

FILED BY _____ D.C.
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

2005 OCT 31 PM 6:58
THOMAS M. GOLD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

RAY C. TAYLOR,
Plaintiff,
vs.
SHELBY COUNTY JAIL,
Defendant.

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No. 05-2796-M1/V

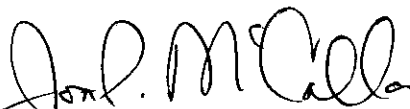
ORDER CLOSING CASE

On October 24, 2005, the clerk docketed as an action pursuant to 42 U.S.C. § 1983 a personal letter to this judge received from Ray C. Taylor, booking number 05113760, an inmate at the Shelby County Criminal Justice Complex in Memphis. Nothing on the face of the document indicates that the inmate intended, by this letter, to commence a civil action, and the letter is not accompanied by an in forma pauperis action and inmate trust fund account statement.

This letter does not differ from the numerous letters this Court receives on a regular basis, and it is not clear why the clerk chose to docket this letter, alone, as a case. Such a construction has a potential adverse impact on the prisoner, because the \$250 filing fee must be assessed at the time of filing and because he may incur a "strike" pursuant to 28 U.S.C. § 1915(g). As it does not appear that the plaintiff intended to

commence a civil action, the Clerk is ORDERED to close the case without assessment of the filing fee.

IT IS SO ORDERED this 31 day of October, 2005.

A handwritten signature in cursive script, reading "Jon Phipps McCalla". The signature is written in black ink and is positioned above a horizontal line.

JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 2:05-CV-02796 was distributed by fax, mail, or direct printing on November 1, 2005 to the parties listed.

Ray C. Taylor
05113760
Shelby County Jail
201 Poplar 1-D-5
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT